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PATENT

Atty Docket No.: 100203850-1
App. Scr. No.: 10/675,943REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks.

By virtue of the amendments above, Claims 1-7 and 9-14 have been amended and Claims 8 and 15 have been previously canceled without prejudice or disclaimer of the subject matter contained therein. Accordingly, Claims 1-7, 9-14, and 16-24 remain pending in the present application, of which Claims 1, 10, and 16 are independent.

No new matter has been introduced by way of the claim amendments; entry thereof is therefore respectfully requested.

Allowable Subject Matter

The indication that Claims 16-24 are allowed over the cited art of record, that Claims 10-14 would also be allowable if rewritten to overcome the objection, and that Claims 2-7 and 9 are objected to as depending upon a rejected base claim, but is otherwise allowable, is noted with appreciation.

By virtue of the amendments above, Claims 2-7 and 9-14 have been amended to be directed to a "computer program". As such, the Examiner is respectfully requested to withdraw the objection to these claims.

Accordingly, only Claim 1 stands rejected. For at least the reasons presented herein below, independent Claim 1 is also allowable over the cited documents of record.

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The indication that the Drawings submitted on December 31, 2007 have been approved is noted with appreciation.

Claim Objections

Claims 1-7 and 9-14 have been amended as suggested in the Official Action. Accordingly, withdrawal of the claim objections is respectfully requested.

Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereto functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrik GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claim 1 has been rejected under 35 U.S.C. §102(a) as allegedly being anticipated by the disclosure contained in WO 02089062 to Kimmel et al. For at least the following

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reasons, it is respectfully submitted that this rejection is clearly improper and should be withdrawn.

Independent Claim 1 has been amended to recite that the code for cascaded recursive filtering comprises code for infinite impulse response (IIR) filtering. Support for this amendment may at least be found on page 9, lines 15 and 16 of the Specification. As also discussed in pages 9 and 10 of the Specification, the IIR filtering includes modifying pixels in sequence (cascade), where each pixel is modified based on both its modified and potentially its unmodified neighbors. As a result, the pixels are ordered based on time and attain a quality of causality in that previous modifications to the neighboring pixels influence how each of the pixels are going to be affected.

In contrast, Kimmel et al. discloses solutions to a differential equation in which pixels are modified in finite impulse response (FIR) type filter iterations. See, e.g., page 7, line 21. As such, Kimmel et al. actually teaches away from using the IIR filtering as claimed in independent Claim 1. Kimmel et al. also fails to disclose the features of Claim 1 for at least the reasons set forth in the response to Office Action filed on June 26, 2008.

For at least the foregoing reasons, it is respectfully submitted that Kimmel et al. fails to disclose each and every element claimed in independent Claim 1 of the present invention and therefore cannot anticipate this claim. The Examiner is therefore respectfully requested to withdraw this rejection and to allow Claim 1.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

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Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: October 7, 2008

By


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